

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Birk, et al. ) Group Art Unit: 3733  
5 Application No.: 10/562,954 )  
Filing Date: December 30, 2005 ) Examiner: Elana Beth Fisher  
For: IMPLANTABLE DEVICE FASTENING ) Confirmation No.: 8688  
10 SYSTEM AND METHODS OF USE ) Customer No.: 51957  
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)

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
15 Alexandria, VA 23213-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

20 Attached is a PTO/SB/08a form listing certain reference in accordance with the duty of disclosure under 37 C.F.R. §1.97. A copy of any non-U.S. patent publication is attached.

By submitting this Information Disclosure Statement, Applicants make no admission that any item listed thereon is material to the patentability of the invention claimed in the above-reference application. Further, Applicants make no assertion that a search was conducted, or if 25 conducted, that any search was thorough.

This Information Disclosure Statement is being submitted prior to the mailing of a first Office Action on the merits (a Restriction Requirement is not considered to be "on the merits"), and thus pursuant to 37 C.F.R. §1.97(b)(3) no fee is believed due.

30 Respectfully submitted,

Date: May 19, 2009

/Guy Cumberbatch, Reg. No. 36,114/

Guy Cumberbatch, Reg. No. 36,114

(805) 201-3006

35 c/o Stephen Donovan  
Registration number 33,433  
Allergan, Inc.  
2525 Dupont Drive  
Irvine, California 92612  
Telephone: 714 246 4026  
40 Fax: 714 246 4249